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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,726	08/25/2003	Karren Moreland	282-005	2147

7590 09/10/2004

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EXAMINER

FERGUSON, MICHAEL P

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/647,726

Applicant(s)

MORELAND ET AL.

Examiner

Michael P. Ferguson

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### ***Claim Objections***

2. Claims 3 and 5 are objected to because of the following informalities:

Claim 3 (line 1) recites "wherein handle portion". It should recite --wherein the handle portion--.

Claim 5 (line 1) recites "according to claim 2". It appears the applicant intended to recite --according to claim 3--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3679

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Linger (US 6,733,221).

As to claim 1, Linger discloses a lock for removably securing an item to a track system comprising a body **11**, a downward portion **20** that projects from a mid-section of the body to a handle portion **26** (member 26 can be adjusted by hand and thus defines a handle), the body sized to securely fit within a track system **12** (Figures 2 and 6).

As to claim 2, Linger discloses a lock wherein a handle portion **26** is oriented (projects) perpendicular to the body **12** (Figure 2).

As to claim 3, Linger discloses a lock wherein a handle portion **26** is oriented along (on) the length of the body (Figure 6).

As to claim 4, Linger discloses a lock comprising a stabilization collar (head **26**) attached to the handle adjacent the downward portion **20** (Figure 6).

As to claim 5, Linger discloses a lock comprising a stabilization collar (head **26**) attached to the handle adjacent the downward portion **20** (Figure 6).

As to claim 6, Linger discloses a lock wherein the body **11** comprises a rounded edge (Figure 2).

As to claim 7, Linger discloses a lock wherein the body **11** comprises a rounded edge (Figure 2).

As to claim 8, Linger discloses a lock wherein the body **11** has two opposite sides that are not parallel to each other (Figure 2).

As to claim 9, Linger discloses a lock wherein the body **11** has two opposite sides that are not parallel to each other (Figure 2).

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Adams (US 5,669,709).

As to claim 1, Adams discloses a lock for removably securing an item to a track system comprising a body **22**, a downward portion **12** that projects from a mid-section of the body to a handle portion, the body sized to securely fit within a track system **36** (Figures 5 and 7-10).

As to claim 2, Adams discloses a lock wherein a handle portion **12** is oriented (projects) perpendicular to the body **22** (Figure 5).

As to claim 3, Adams discloses a lock wherein a handle portion **12** is oriented along the length of the body **22** (Figure 5).

As to claim 4, Adams discloses a lock comprising a stabilization collar **26** attached to the handle **12** adjacent the downward portion (Figure 5).

As to claim 5, Adams discloses a lock comprising a stabilization collar **26** attached to the handle **12** adjacent the downward portion (Figure 5).

As to claim 6, Adams discloses a lock wherein the body **22** comprises a rounded edge (Figure 5).

As to claim 7, Adams discloses a lock wherein the body **22** comprises a rounded edge (Figure 5).

As to claim 8, Adams discloses a lock wherein the body **22** has two opposite sides that are not parallel to each other (Figure 5).

As to claim 9, Adams discloses a lock wherein the body **22** has two opposite sides that are not parallel to each other (Figure 5).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to lock assemblies:

Onishi (US 6,588,711), Moreland (US 6,364,508), Adams (US 5,141,192) are cited for pertaining to locks having a body and a handle portion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael P. Ferguson whose telephone number is (703)308-8591. The examiner can normally be reached on M-F (7:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703)308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
MPF  
08/26/04



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